

Application No. 10/697,059  
Amendment dated 08/28/2006 responding to Office Action dated 06/29/2006

RECEIVED  
CENTRAL FAX CENTER

AUG 28 2006

### REMARKS

These remarks address the Examiner's comments made in the Office Action mailed 06/29/2006, and use the paragraph numbering of that Office Action.

### Cited Art

In view of the narrowing amendments to the claims detailed above, Applicant deems it more helpful to initially address the cited references as a group, rather than in the various sub-combinations used in the office action.

Carlson teaches a bumper-attachable bicycle rack with a frame having both vertical and horizontal rails, and handles that can be rotated to point rearward. These handles are rotatable but cannot be laterally repositioned; they can only be mounted into the open upper ends of the two vertical frame posts. Carlson makes no mention of hitch receiver attachment, nor of trays, nor of holding elongated items such as surfboards.

Lane teaches a hitch receiver attachable rack with a frame whose pieces can be assembled into a variety of configurations, some of which can include a table or folding tray (19). Lane makes no mention of bumper attachment, nor of trays, nor of holding elongated items such as surfboards.

Johnson teaches a bumper-attachable hitch receiver for attaching a receiver hitch equipped bicycle rack to a bumper rather than to a proper hitch receiver. Johnson makes no mention of trays, nor of holding elongated items such as surfboards.

Allsop teaches a hitch receiver attachable bicycle rack for carrying Softride bicycles by their wheels rather than by their unusual frames. Allsop makes no mention of bumper attachment, nor of trays, nor of holding elongated items such as surfboards.

Pasley teaches a tray attached to what is essentially a dual receiver hitch style mounting system (albeit one made of aluminum or <gas> fiberglass, see col. 2 lines 45-47). Pasley makes no mention of vertical racks, nor of bumper attachment, nor of holding elongated items such as surfboards.

Jeong teaches a hitch receiver attachable bicycle rack having a pad on a vertical support which cannot come into contact with the vehicle when the rack is installed in the hitch receiver.

Application No. 10/697,059

Amendment dated 08/28/2006 responding to Office Action dated 06/29/2006

Jeong makes no mention of trays, nor of bumper attachment, nor of holding elongated items such as surfboards.

Vogel teaches a motorcycle rack which is mountable to one or three hitch receivers and which has an attachable hitch ball mount. Vogel makes no mention of trays ("ramps" 18, 19 in his nomenclature are conventionally "rails" in the motorcycle industry, and are not "trays" as defined and used in the present application), nor of bumper attachment, nor of holding elongated items such as surfboards.

Hutyrta teaches a bumper-attachable motorcycle rack with bumper-attachable vertical rails having rearward-extending support bars for stabilizing the motorcycle's handlebars. Hutyrta makes no mention of hitch receiver mounting, nor of trays, nor of holding elongated items such as surfboards.

#### **Remarks Regarding the Cited Art and Amended Claims**

None of the cited references teaches the combination of a hitch receiver mounted tray and a bumper mounted vertical rack for supporting elongated items such as surfboards or kayaks, as recited in independent Claims 1, 14, and 25. Even in a field of art as crowded as vehicle racks, it is improper to use the Applicant's own disclosure as a guide in constructing a mosaic of prior art.

#### **Remarks Addressing the Specific Rejections in the Office Action**

##### **(2) Claims 1-2, 7-9, 12-13 rejected over Carlson**

Claim 1 has been amended to recite the tray and hitch, which are not suggested in Carlson.

Claim 2 is cancelled.

Claim 7 depends from amended Claim 1, and further recites rail connectors which are not taught in Carlson.

Amended Claim 8 depends from Claim 7 and adds the further limitation that the rail connectors are laterally movable, which is not possible in Carlson's system.

Claim 9 depends from amended Claim 1.

Claim 12 is cancelled.

Application No. 10/697,059

Amendment dated 08/28/2006 responding to Office Action dated 06/29/2006

Amended Claim 13 recites laterally movable bar connectors, which are not taught by Carlson.

**(3) Claims 28-33 rejected over Vogel**

Claims 28-33 are cancelled.

**(5) Claims 1-5, 7-8, 12, 14-18, 20-24 rejected over Lane with Johnson**

Amended Claim 1 recites a bumper-attached vertical rail system, which is not taught by the combination of Lane and Johnson. Indeed, if one were to combine Lane and Johnson, what one would then have would be a bumper mounted receiver hitch with a reconfigurable rack and tray system. It is noteworthy that, even the multitude of dubious stick-figure configurations shown in Lane's Figure 12A-T (some of which do not appear to actually be possible, given the specific components actually shown in his other drawings), there is no configuration that includes a vertical rack with rearward bars above a tray, as claimed by Applicant.

Claims 2-4 are cancelled.

Claim 5 depends from amended Claim 1, and further recites a stabilizer bar coupled to the tray and to a bumper connector. Neither Lane nor Johnson teaches any such stabilizer bar.

Claim 7 depends from amended Claim 1.

Claim 8 depends from Claim 7, and further adds the limitation that the rail connectors are laterally moveable, which is not suggested in either Lane or Johnson.

Claim 12 is cancelled.

Amended Claim 14 recites both a bumper mounted vertical rack and a hitch mounted tray, which combination is not suggested by Lane, Johnson, nor both together.

Claim 15 is cancelled.

Claims 16-18, 20 depend ultimately from amended Claim 14.

Claims 21-23 are cancelled.

Claim 24 depends from amended Claim 14.

Application No. 10/697,059  
Amendment dated 08/28/2006 responding to Office Action dated 06/29/2006

RECEIVED  
CENTRAL FAX CENTER

AUG 28 2006

**(6) Claims 1-4, 7-9, 14-15, 19-23 rejected over Allsop with Johnson**

Amended Claim 1 recites both a bumper mounted vertical rack and a hitch mounted tray. Allsop and Johnson do not teach that combination.

Claims 2-4 are cancelled.

Claim 7 depends from amended Claim 1.

Claim 8 depends from Claim 7 and adds the further limitation that the rail connectors are laterally movable, which is not taught in either reference.

Claim 9 depends from amended Claim 1. Further, Claim 9 recites that the rails are pivotably coupled to the bumper connector, which not taught in either reference.

Amended Claim 14 recites both a bumper mounted vertical rack and a hitch mounted tray, which is not taught by the references.

Claim 15 is cancelled.

Claim 19 depends from amended Claim 14 and further recites springs "for pressing the cargo rack against the back of the vehicle". By way of contrast, Allsop's springs are merely for the purpose that "lock notches 348 remain secure over lock fastener 346" (col. 5 lines 54-56). Indeed, it would be very bad if Allsop's rack were to contact the back of the vehicle, as it would no doubt cause significant damage to the vehicle's exterior.

Claim 20 depends from amended Claim 14, and further recites that the cargo rack is connected to the vehicle at both the bumper and the receiver hitch. The combination of Allsop and Johnson would be a bicycle rack mounted to a bumper hitch – that is, mounted at exactly one place, rather than the two places required by the claim.

Claims 21-23 are cancelled.

**(7) Claim 6 rejected over Lane/Johnson or Allsop/Johnson with Pasley**

Pasley teaches a lockbox on a tray. Lane/Johnson/Pasley would result in a lockbox on a tray coupled to a pair of bumper-mounted hitch receivers. Claim 6 distinguishes over this combination at least by reciting a hitch-mounted tray and a bumper-mounted vertical rack.

Application No. 10/697,059

Amendment dated 08/28/2006 responding to Office Action dated 06/29/2006

Allsop/Johnson/Pasley would result in a swing-away version of the same, and would again lack a hitch-mounted tray and a bumper-mounted vertical rack.

**(8) Claim 11 rejected over Lane/Johnson or Allsop/Johnson with Jeong**

Claim 11 has been amended to more clearly indicate that the pad is in a position to protect the vehicle from the rack when the rack is actually mounted to the vehicle.

**(9) Claims 25-27 rejected over Vogel with Hutyra**

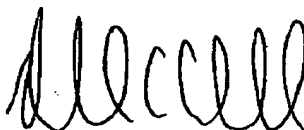
A motorcycle rail is not a tray. Vogel and Hutyra both deal only with motorcycle carriers – Vogel teaches a hitch-mounted version, and Hutyra teaches a bumper-mounted version with a bumper-mounted bar system for stabilizing the motorcycle at its handlebars.

Amended Claim 25 recites a hitch-mounted tray, a bumper-mounted vertical rack, and expressly recites that the cargo items are elongated and include a surfboard, a kayak, or a ladder.

**CONCLUSION**

Applicant respectfully requests allowance of the claims. The art cited neither anticipates nor obviates the claimed subject matter.

Respectfully submitted,



Richard C. Calderwood, Attorney for the Applicant  
Reg. No. 35,468  
phone (503) 313-4004

Date:

B-28-06